The Pocahontas Times.

If thou wouldst read a lesson that will keep Thy heart from fainting and thy soul from sleep, Go to the woods and hills.—Longfellow.

Vol. 22 No 48. Marlinton, Pocahontas County, West Virginia June 30, 1904. $1 00 a Year

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Prompt and careful attention given to all business placed in their hands.

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CARPENTER & CONTRACTOR.
Durbin, W. Va.

DR. O. J. CAMPBELL,
Dentist,
MONTEREY, VA
Will visit Pocahontas county at east twice a year. The exact date of his visit will appear in this paper.

DR. ERNEST B. HILL,
DENTIST,
Graduate University of Maryland.
Denistry practiced in all its branches.
Office in 1st Nat. Bank Bldg. 2nd floor.

G. W. DUNCAN,
Practical Land Surveyor,
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T. S. McNEEL,

POCAHONTAS CIRCUIT COURT

DAVID GREEN ACQUITTED OF MURDER.

Wm. L. Lester Gets Thirty Days in Jail.

The first day of the June term of the county court was given over to the impanelling of the grand jury; the selling of lands, and the Democratic mass convention to select delegates.

DAVID GREEN MURDER TRIAL.

The second day the trial of David Green on a charge of killing Walter Smith, at Cass, began. The State was represented by T. S. McNeel and John D. Stephenson. The defense by J. M. McClintic, Henry Gilmer and J. W. Arbuckle. A large audience heard the trial which was a very interesting one.

To put the case in a nutshell it developed that Walter Smith had made every effort to give David Green a good beating, and after avoiding him a number of times and having had Green disarmed as he thought by taking a proceeding against him for carrying a pistol, Smith got Green in a corner and was proceeding to give him the pounding he had laid up for him. Green not entering into the spirit of the affair drew a pistol and shot him through the heart, killing him.

It was not thought that Smith had any further intentions of harming Green than giving him a bruising with his fists, in the time-honored custom, and the verdict of not guilty in this case should remind all bullies that desire to resort to fist and skull contests to right their wrongs, that a Pocahontas jury has cleared a man who repelled such an attack by killing his assailant.

Green was a conductor of a log train and as such had charge of a crew of men. He had discharged Smith, one of his brakemen, and Smith had declared he would attack him. The time came when Smith dogged him so closely that he either had to run like a coward or face him. He walked by him on a hotel porch and was attacked. He drew a pistol and shot Smith and was cleared.

Green's two sons, aged six and twelve, were with him during the trial. Green sat unmoved throughout it all but the boys shared the liveliest apprehension of their father's danger. The attorneys for the State when they were piling up the heaviest charges on the head of their unfortunate parent, were met with the wildest childish grief, and were much handicapped. The verdict was a popular one.

Green had the sentiment of the people of Cass generally and the West Virginia Spruce Lumber Company, his employers, hired counsel to defend him.

CASE AGAINST GRATZ SLAVEN.

A case was tried against Gratz Slaven for violating the revenue laws, but the State failed to convince the jury that Gratz would sell liquour and a verdict of "not guilty" was rendered.

CASE AGAINST WM. L. LESTER.

Wm. L. Lester, who came to Marlinton last week and after filling up on some Valley Tan proceeded to shoot up our town sergeant, was sent to the bar of the court and accused of that there gun play. His head was bandaged like an Egyptian mummy, and his face was blackened all over by reason of the clubbing he had received. He threw himself on the mercy of the court. He pleaded a previous good character; drunkenness; that he had had no feud with the police officer whom he had shoot; that he had a wife and nine children to support; and that he had received punishment at the hands of the officer sufficient to last him a life time. He exonerated the sergeant from all blame and took it all on himself.

Sergeant F. P. Anderson said that he had no personal animosity against the man and was willing to leave the punishment to the court. Upon consideration of all which the court fined him $25.00 and sentenced him to jail for 30 days. Lester says he will drink no more whiskey unless a doctor gives it to him unbeknownst to himself.

McNeel for the State. Yeager and Price for the prisoner.

SHINNEBERRY VS. HANNAH.

A law case was submitted to a jury which was a controversy between Abraham Shinneberry and S. B. Hannah. The point of difference was a $500 credit on the accounts between them. The $500 payment was made in March 1898, and the plaintiff claimed that a bond was taken up of that amount. The defendant claimed that it should have been credited on the back of a note for $2,400.28. The jury disagreed and the case was continued. Stephenson for plaintiff and McClintic for defendant.

MOORE VS. MALCOMB AND OTHERS.

This controversy was disposed of by the court in lieu of a jury. Jacob S. Moore held a note for $600 which was endorsed by S. C. Higgins, Rachael Higgins, J. W. McClure and others as accommodation endorsers. After they had endorsed the note which was on one of the Bank of Marlinton, forms, the note was changed without their knowledge or consent from a negotiable to a non-negotiable instrument. The liability of the sureties being changed as between themselves, the alteration was deemed material and the accommodation endorsers released. Gilmer and McNeel for plaintiff and McClintic and Price for accommodation endorsers.

BURNER VS. TURK.

A chancery cause which has attracted much attention is the suit between the heirs of Mrs. Margaret C. Burner and Col. R. S. Turk. It was decided this term in favor of the defendant, Turk. Mrs. Burner had given a ten years lease to John T. McGraw. A few years after she sold some other timber to R. S. Turk and the deed called for any timber which might be left of the McGraw lease after expiration of ten years. The consideration was $50. None of the timber was cut on the McGraw lease and a railroad having been built, the timber is today worth about $5,000. The plaintiffs contend that the clause granting the reversion of the McGraw timber was not read to Mrs. Burner and charge fraud.

Rucker and Stephenson for plaintiffs and McNeil & McNeil for defendant.

Seedless Apples on Bloomless Trees.

Sharing honors with the wireless telegraph, smokeless coal and microbe less water at the World's Fair is an exhibit of seedless apples. California contributed some seedless oranges and Florida seedless pear, but it remained for Colorado to produce the apple without core.

Not only has this fruit an absence of seed, but the tree upon which it is grown is blossomless. Mr. John F. Spencer, of Grand Junction, is father of the species and he says that the seedless apple is also immune from the ravages of insects.

Horticultrists who visit the World's Fair are greatly interested in the exhibit, as the culture of the fruit is regarded as an important discovery. Mr. Spencer is now experimenting with the various varieties of apples and he believes that he can develop a seedless Winesap, a seedless Gano and other favorite species. If he is successful it is very likely that other fruit growers will follow his example.

It is claimed that the seedless apple is not hurt by the frost because it has no blossoms. It is a hardy grower and thrives abundantly in the Colorado climate. These advantages in its behalf recommend it to all orchardists.

The Spencer display is made in the Colorado exhibit in the Palace of Horticulture. Several bushels of the fruit are in cold storage and the supply is constantly kept fresh.

COURT PROCEEDINGS

AN UNUSUAL AMOUNT OF CHANCERY BUSINESS

Transacted at the June Term.

N. C. Rodgers v. L. J. Marshall and others, referred to T. S. McNeel, commissioner in chancery.

Sarah A. Galford v. Bertie L. Galford, report of commissioner confirmed and dower right apportioned.

P. A. Miller v. G. C. Mohan and Elmer Braucher, compromised.

David Grogg v. Henry W. Grogg and others, continued.

John T. McGraw et. al. v. Gilbert W. Alderman, compromised.

J. Ella Cameron v. Janie M. Cameron et. al., sale 297 acres of land, made at October term 1900; confirmed and W. A. Bratton, special commissioner, ordered to make deed of special warranty to the plaintiff.

E. M. Arbogast v. Minnie Galford, answer filed.

Wirt C. Ward v. H. C. Moore and others, answer filed.

H. A. Yeager, adm'r, v. H. A. Yeager's heirs, sale of land confirmed to Uriah Bird.

State v. waste and unappropriated land, ordered that school commissioner pay all taxed costs incurred by the sale of said land.

State v. 100 acres and 15 acres, continued.

Martha J. Hinkle v. Jacob C. Hinkle, decreed of divorce. Plaintiff given custody of children.

Nancy E. Lewis v. James E. Lewis, decree of divorce.

State v. Ward Hutton and others, referred to N. C. McNeil, commissioner in chancery.

J. E. Barlow v. Susan E. Ervine, and Cochran & Waugh v. Susan E. Ervine, reports of the commissioners accepted and suit dismissed.

H. A. Yeager's adm'r. v. H. A. Yeager's heirs, dower right allowed Mrs. Rella F. Yeager.

Lucendo Wagner v. John E. Wagner, plaintiff given custody of child and case continued.

Margaret R. Malcomb v. Andrew Price, trustee, bill dismissed at plaintiff's costs.

J. W. McClure v. Dora Malcomb et. als., decree of sale.

Robert H. Simmons and Rachel Ann Simmons v. McKenney Wanless, plaintiffs given control of child.

R. S. Turk, special receiver, v. David McLaughlin's adm'r. et. als., cause dismissed as to R. S. Turk, receiver.

D. J. Cochran v. Geo. B. Cochran et. als., report of partition by commissinners confirmed.

P. Henry's adm'r. v. Mary M. Henry and others, sale of 5 acres of land confirmed, and ordered that 25 acre tract be resold by F. R. Hill, special commissioner. Mill property sold to E. L. Beard.

E. H. Smith v. John Wes Carpenter, sale confirmed to E. M. Arbogast.

Town of Cass v. Grant Hatterman, sale set aside and new sale ordered.

Jacob S. Moore v. E. N. Moore, S. P. C., and as such adm'r H. W. Duffied and others, referred to T. S. McNeel, commissioner and land decreed to be sold.

State v. J. N. Friel, forfeited land redeemed.

Mrs. Martha E. McNeel v. John F. Wanless and Lindsay H. Sharp, injunction granted plaintiffs against Wanless restraining him from selling land until sanity of said Sharp can be inquired into.

M. A. Stokely v. Virginia S. Mooney. W. A. Bratton appointed special commissioner to make sale.

John A. Geiger v. Jane Geiger, absolute divorce granted.

J. B. Pyles v. Geo. S. Moore, referred to commissioner.

State v Geo L. Clark, et al, referred to commissioner.

Rispah F. Dudley v Rodney H Dudley, report of partition of special commissioners John Ligon and S B Hanna confirmed.

H Lee White v Dan O'Connel, demurrer sustained and bill dismissed.

Alex W Rider, adm'r v Alex W Rider's Heirs, recommitted to T S McNeel commissioner.

D O'Connel v B F White and others, motion to dissolve injunction.

John A Shinneberry, Guardian W Grover Shinneberry and John A Shinneberry v Oscar Shinneberry and others, sale of infants land to R L Telford authorized.

Geo H Shrader v Minnie McCarty, et al, decree of sale.

N S Clutter adm'r v N S Clutter's Heirs, referred to T S McNeel, commissioner.

Wm H Cleek's Adm'r v Maggie F Cleek, recommitted to T. S McNeel, commissioner.

Luther M Burner and others v R S Turk and others, suit dismissed at plaintiffs costs.

LAW ORDERS.

D F Tabor, Francesco Digrazia, Jose Monte, Sande Ferrainolo, declared their intention to become citizens of the United States.

C A Yeager v G C Mohn, settled.

State v Jesse Meeks, Samuel Ray, Bunt Ray, $25 costs and 10 days each.

Geo M Kee appointed jury commissioner in place of Isaac McNeel resigned.

H A Rankin v J W Beard, another survey ordered.

G M Jordan v J M Barnett, dismissed as settled.

S V Wamsley v J H Bird, same order.

First National Bank v Farmers Implement and Supply Co, same order.

Smith & Whiting v Big Tree Lumber Corporation, same order.

State v George Stewart, $1 and costs.

State v Ode Freeman, $5 and costs.

State v David Green, felony, not guilty.

State v Lester, $25 and 30 days.

W J Swink v A D Wilson, non suit.

State v Kemp and Snowden Johnson, nolle.

State v Emma Puckett, same; Church Waybright, Ebel Arbogast $10 and costs in each case.

Jacob S Moore v J W McClure and others, judgment for defendants.

County Court v Miss Sallie Clendennin, $60 allowed for land taken for public road.

State v G M Jordan, nolle.

State v Joe L Grose, nolle.

State v Lacy Stewart, nolle.

State v Paris D Yeager and W A Slaven, nolle.

A Shinneberry v S B Hannah, hung jury.

Ex Mayor Price Seriously Hurt.

On Monday afternoon Ex-Mayor Price, in company with Mr. Joseph Techner, were in a buggy and started to drive across the railroad at the Chestnut street crossing, just West of the passenger depot, when the horse took fright at a freight car that was being pushed towards the crossing, and wheeling suddenly around struck the fore wheel of the buggy against the railway signal post, shattering the wheel, throwing Mr. Price out, and bruising him about the face, head and hips. He was helped into the McIntosh restaurant, and Dr. Gates, who was hurriedly called, dressed his wounds. After remaining sometime at the restaurant he was able to be taken to his home in a buggy, where he is now doing as well as could be expected, though it will probably be several days before the old gentleman will be able to look after business affairs at his office.

If something is not done to prevent similar accidents at this crossing, it is only a question of time until some one will be killed there.—Greenbrier Democrat.

To Feed the Multitude.

Will & Co. shipped one thousand loaves of bread to Marlinton this week, and also two to three hundred loaves daily to the White Sulphur Springs Hotel.—Greenbrier Democrat.

RANDOM REMINISCENCES

OF THE OLD PRESBYTERIAN SEMINARY

In Prince Edward County, Virginia.

Some of the more interesting of my early memories are those associated with the years passed at the seminary as a divinity student. This Prince Edward school of the Prophets has had something of a talismonic influence upon very much of my entire life's experiences.

Like all other people's lives mine has been one of unbroken continuity. For one's earlier years, like the tiny oak from the little acorn, contain all the elements of future personality.

Hence early youth is a susceptible and imitative period; the influences exerted upon and training of which are largely determinative of individual character in mature age. The first minister I remember anything about were Revs. John Blain and David H. Cunningham both were among the earlier alumni of union Theological Seminary. They met and wooed their wives in Prince Edward County. To my boyish imagination these Pastors wives were as beautiful as angels in muslins and merinos contrasted with most of the ladies that came my way at that early period; so pleasant were their voices, so gentle and sympathetic their treatment of little boys.

One of these ladies while vexed with the way a neighbor molested her chickens that scratched his garden said to him by way of remonstrance in intonations of voice soft and gentle as those that must have been heard in a case of unpleasantness that transpired on Mt. Horeb; in the case of Moses and Gipparah. "You poor old sinner, I am going to pray specially for you." The other lady is remembered as being so very sympathetic towards her husband, who while acting as a man of all work in the garden stable, wood pile and kitchen, along with his ministerial duties and sermonic studies would at times appear excessively fatigued. Then it was her sympathies would so overpower her that she would say in tremulous dove-like accents, "My dear husband I am so sorry to see you so very tired. Do let me help you to rest." Overcome by her sympathetic impulses placing herself upon his knee she carressingly helped him in resting to her fond heart s content.

The minister more than all others that I now recall, who influenced my youth and early manhood was the late Mitchell Dunlop a very enthusiastic alumnus of Washington College, Lexington, Va. and of our Seminary. He revered the memory of his college President Henry Ruffner and the names of S. L. Graham, Baxter, Wilson and Sampson; his seminary professors along with many of their contemporaries. Then to make a short story briefer I came under the all prevading influence of the Rev. Dr. Wm. S. White, of blessed memory, with me, and by the time he was through with me I came to regard Union Theological Seminary as veritably the very gate of heaven where heavenly counsels were to be heard and "celestial wisdom" gained from heavenly minded Elders of our Presbyterial Zion seated in that gate with all due authority.

At the virtual sacrifice of a competent earthly patrimony I hopefully arranged to spend four years at college and three years at this place of holy privileges the seminary. Though nearly fifty years ago I feel as I write something of the reverential enthusiasm that thrilled me, when the seminary came in view as John McGoul and myself the only passengers in Creed Price's mail hack turned into the avenue fronting the seminary and halted at the main gate. Never had I realized more appreciatively these words than I did at that moment,

"The calm retreat, the silent shade
With prayer and praise agree,
And seem by thy sweet bounty made
For those who worship Thee."

But this feeling of grateful devotion was intensified by what occurred to the hack as it turned from leaving us at the gate.

The left rear wheel came off. The conveyance careening with a heavy thud. The driver but narrowly escaped without breaking his neck though in a much safer position than that just occupied by his passengers. There were a dozen or more students on the stoop to welcome my friend Goul. Their greetings were very effusive in expressions of pleasure at seeing him on his return to the seminary. Among them were two "grave and reverend seniors" from Memphis or thereabouts who invited us at once to their well and richly furnished rooms occupied by them throughout the vacation.

An hour or more was passed in a very enjoyable manner. There was considerable gossip about other seminaries, Columbia, Danville and Princeton and some speculation respecting the motives Virginia and North Carolina students might have in preferring anyone of these seminaries to ours.

It was surmised that it might be the reputation and prestage they might derive from the illustrious personality of their Professors Thornwell or Breckinridge which would be so advantageous to their prospects for a good settlement in the pastorate.

In reference to ourselves it was intimated by a new-corner that we were here to impart reputation and prestage to the seminary of our choice. The sentiment was duly applauded and all seemed to feel good over it.

In due time 1854 the regular exercises were opened.

Dr. Samuel B. Wilson, Theology.

Dr. R. L. Dabney, church history and quasi professor of Theology.

Dr. B. M. Smith, Hebrew.

Dr. Wm. J. Hoge, New Testament Interpretation.

Rev. Dabney C. Harrison, tutor in Greek and Hebrew were the teachers while I was a student Media via tutipima was the watch word and reply in all the lectures given.

The teachers vied in seeing who could keep closest to the form of sound words, meaning thereby the confession of faith, the catechisms, precedents and accepted authority—the old paths so called.

In the course of two or three weeks an incident occurred that I remember as one of the most pleasant to recall for reasons I need not mention here.

One of my classmates A. W. Pitzer whom I had met at college three or four years previously, came to my room one evening and in his peculiar semi comico yet serious manner of speech, says "Gabriel, I fell lonesome without family worship, suppose you and I have family worship every evening before bed time." Thereupon I locked the door to avoid intrusion and I had Pitzer hold our family worship for that evening and then there was a nice confidential talk on experimental piety and he had a most interesting and unique history to give on his subject that makes me smile even now as I recall it.

However it may have been with him I know it was good for my soul these seasons of family worship" and heart to heart interviews kept up with regularity for most of the junior year.

One evening upon going to Pitzer's elegantly equipped apartments for our "family worship" before "the door was closed" two likely young negroes, knocked at the door for admittance and very differentially inquired if he would not buy "some nice hoe cake and fried chicken?" The snacks on inspection looked uncommonly nice. Pitzer put on a very stern look frowned ominously turning to me said in a very mandatory way, "Gabriel, lock the door and let us put a trick on these scamps they wont forget in all their lives and may be we can have some peace for awhile at least." I did so with alacrity, and by so doing headed off the colored boys from making a head long exit as they manifestly were anxious to do.

"Boys sit down and do as I tell you or there may be trouble first thing you know," said Pitzer in a very significant manner.

"What are your eatings worth?" "We's bin gittin a quatah a piece befo—but beins its you boss, you may have 'em boff for a quatah." "A bargain is it?" "Fact and deed boss it am." "Well then go to work eat every crumb in your wallets and mind you now, you don't leave this room alive unless you do."

Their eyes began rolling showing the whites for all there might be under their sable brows their ebony fingers quickly manipulated the savory viands while their jaws scintillating with pearly incisors of the first water, moved with corresponding celerity to the motions of the fingers. In the meanwhile Pitzer looked on with stern mandatory features, his portly frame quivering with suppressed merriment.

When the youngsters were duly refreshed not a crumb left, Pitzer gave them two "quatahs" while I somewhat reluctantly squeezed out a picayune from my attenuated purse and contributed to the common fund. The reader need not look for a far fetched fund just here.

The man of the room now unfastened the door and in his own inimatable vein of humour dismissed the visitors with this valedictory, "God bless you my good boys glad to have seen you, and come again whenever you feel like enjoying nice hoe-cake with chicken fixings." And so it turned out instead of putting the trick on the boys, Pitzer put the trick in them.

We two kept up our "family worship" pretty regularly until Pitzer and Blanton moved their seminary washing to Danville the following year. For a time it was rather lonesome for me, until Robt. C. Walker, George A. Russell, Frontis H. Johnston,

Continued on fourth page.

Are you aware



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Just Think Of It!

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